

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DAVID ATTALI,

Plaintiff,

-against-

**NOTICE OF MOTION FOR
SUMMARY JUDGMENT**

15-CV-00426 (AT) (HBP)

CITY OF NEW YORK, P.O. CHRISTOPHER
DELBROCOLO, P.O. JOSEPH BENEDUCE,
P.O. BRENDAN SULLIVAN, P.O. PHILLIP MIRANDA,
P.O. "JOHN" DRUMMY, DEPUTY INSPECTOR KEVIN
BURKE, SGT. ALEX PORCELLI, SGT. FELIX
SANTANA and LT. DAVID CHANG, Sued In Their
Individual And Official Capacities,

Defendants.
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PLEASE TAKE NOTE that defendant City of New York (the "City"), and defendants Deputy Inspector Kevin Burke, Sergeant Alex Porcelli, Sergeant Felix Santana and Lieutenant David Chang (collectively, the "Supervisory Officer Defendants") will move this Court, before the Honorable Analisa Torres, United States District Judge, at the United States Courthouse for the Southern District of New York, located at the Daniel Patrick Moynihan Courthouse, 500 Pearl Street, New York, New York 10007-1312, for a decision and order granting summary judgment dismissing the complaint against said defendants, pursuant to Rule 56 of the Federal Rules of Civil Procedure, and for such and further relief as the Court may deem just and proper.

In support of the said motion, the City and the Supervisory Officer Defendants rely upon the annexed Declarations of Gerald E. Singleton dated September 21, 2017, Deputy Inspector Kevin Burke, September 13, 2017, Sergeant Alex Porcelli, dated September 14, 2017, Sergeant Felix Santana, dated September 8, 2017, Lieutenant David Chang, dated September 7, 2017, Sergeant Heriberto Soto, dated September 15, 2017, Sergeant Andrew Barton, dated August 29,

2017, and the annexed exhibits thereto, and the moving defendants' Rule 56.1 Statement and Plaintiff's Responses thereto, and the accompanying memorandum of law, dated September 21, 2017, and upon all the papers and prior proceedings had herein.

PLEASE TAKE FURTHER NOTICE, that by Order of the Court dated September 12, 2017 (ECF Doc. No. 114), Plaintiff's opposition shall be filed on or before October 20, 2017; and the City and the Supervisory Officer Defendants shall file their reply, if any, on or before November 3, 2017.

Dated: New York, New York
September 21, 2017

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City of New York
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By: 
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cc: (via ECF)
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